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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

outgoing

DATE: July 20, 2015

FAX#: 435-438-5676

ATTN: Steven Gale

COMPANY: —

NUMBER OF PAGES (INCLUDING THIS ONE): 17

FROM: Peter Brinton (Utah OGM)

If you do not receive all of the pages, or if they are illegible, please call (801) 538-5340.
We are sending from a sharp facsimile machine. Our telecopier number is (801) 359-3940.

MESSAGES: Here is the information for permitting a small mine:

- General permitting help
- Reclamation contract
- Notice of Intent to Commence Small Mining Operations

Refer to your mine ID: S/001/0038

Important: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return this original message to us at the above address via regular postal service. Thank you.





Peter Brinton <peterbrinton@utah.gov>

informal permitting help for Small Mining Operations in Utah

Peter Brinton <peterbrinton@utah.gov>
To: Peter Brinton <peterbrinton@utah.gov>

Thu, May 28, 2015 at 10:32 AM

The Utah Division of Oil, Gas & Mining must require a mine permit if: 1) you will use mechanized earthmoving equipment, and/or 2) you will create a significant disturbance. Sand and gravel deposits, and rock aggregate (consolidated rock materials associated with sand and/or gravel deposits and created by alluvial sedimentary processes), are exempted from mine permitting. Small mining operations (SMOs) are operations disturbing <5 acres (in an incorporated area) or <10 acres (in an un-incorporated area). The following items are needed before the Division can issue a permit for a small mining operation. This is not an official Division checklist.

1) Coordinate with private land owners and/or public land management agencies.

- The Bureau of Land Management and United States Forest Service must approve operations on the lands they manage. The Utah School & Institutional Trust Lands Administration (SITLA) oversees mineral & surface ownership for State of Utah lands.

2) Provide for an archaeology evaluation of any future areas to be disturbed.

- To fulfill its obligations under Utah code Annotated 9-8-404, the Division considers cultural resource (archaeology) information. On federal lands, the BLM or Forest Service may do their own investigation. Contact SITLA about archaeology on state lands. On private lands, the Division requests concurrence from the State Historic Preservation Office (SHPO) prior to issuing a permit, unless the private lands are covered by another agency's study.

- The information required to evaluate cultural resources depends on the location, previous disturbance, and other factors. This step can potentially slow up the permitting process if surveys are incomplete or started late.

3) Determine whether the project will be located in a sage grouse conservation area.

- Map of conservation areas: <http://utahdnr.maps.arcgis.com/apps/StorytellingTextLegend/index.html?appid=56b1b8e3bc55452ea170cf66996d351d>

- If located in a sage grouse conservation area, the Division will coordinate a site visit with a biologist from Div. of Wildlife Resources to evaluate the site. and site-specific mine permit requirements may apply.

4) Get a Utah business license, if applicable

- If your permit will be in the name of an individual or a sole proprietor, no business license is needed.

- If the permit is in the name of anything other than a sole proprietor (such as a corporation, LLC, partnership, dba), it must be registered with the Utah Division of Corporations. To register or update your license, go to <https://secure.utah.gov/abr/abr>. If already registered, find your info at <https://secure.utah.gov/bes/action>.

5) Submit a Notice of Intention (NOI) to Commence Small Mining Operations to the Division

- The NOI must include the information required in the Small Mining Operation rules

(link: <http://www.rules.utah.gov/publicat/code/r647/r647-003.htm>)

- It is recommended that you use the Division's 7-page small mine **NOI form**, which is based on the rules. (download **MR-SMO form** at: http://linux1.ogm.utah.gov/WebStuff/wwwroot/minerals/permit_forms.html)
- Provide a basic project description (including any facilities to be constructed or moved on-site, mining method, projected pit/highwall dimensions, etc), the mineral to be mined, the acreage to be disturbed, the dimensions of any new or improved roads, and the amount of material to be moved.
- At least two maps are required by rule (see the 7-page NOI form), and maps should have a north arrow and a scale to measure your disturbance:
 - (a Location Map, indicating the route to the site, and new & existing access roads)
 - (an Operations Map, which identifies the area to be disturbed, locations of existing & proposed operations (roads, pits, shafts, trenches, drillholes, stockpiles, dumps, topsoil piles, etc), and existing disturbances for which the operator is not responsible).
- Please submit your signed and completed NOI to the Division either by hardcopy or by email. The NOI must be signed by one of the principals.
 - (physical/mailling address: 1594 W. North Temple, SLC, UT 84116)
 - (email address: peterbrinton@utah.gov and paulbaker@utah.gov - or other appropriate Division staff)

6) Submit the first annual permit fee of \$150 to the Division of Oil, Gas & Mining.

7) Submit the completed, signed, and notarized Reclamation Contract.

(link to form: https://fs.ogm.utah.gov/pub/mines/minerals_related/forms/MR-RC-SMO.pdf)

8) Submit an approved amount of reclamation surety

- The Division typically uses reclamation costs per acre to determine an average reclamation cost per acre that is applied to calculate reclamation sureties for small mining operations. If the mine site is on federal land, we need to obtain written concurrence with the bond amount from the federal agency.
- **If you submit a cash bond** (held by the state treasury), you will need to provide the Division with a **W-9 form** as well: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>
- Here is a link to small mine and exploration average costs per acre (see page 2 for small mine averages): <http://linux1.ogm.utah.gov/WebStuff/wwwroot/minerals/20130429144407.pdf>

Once the Division has received all the acceptable information, documents, fees, and surety, we will send a letter indicating that your NOI is complete, your bond is approved, and that work can begin.

Once the Division has given their final approval to begin mining operations:

- 1) Notify the Division no more than 30 days after you have commenced your mining activities
- 2) Submit an annual report to the Division by January 31st (https://fs.ogm.utah.gov/pub/mines/minerals_related/forms/MR-AR-SMO.pdf)
- 3) Submit your annual permit fee to the Division by January 31st
- 4) Periodic inspections will be made by the Division to evaluate site conditions
- 5) The reclamation surety will be re-evaluated by the Division every 3 or 5 years for adequacy
- 6) Contact the Division and refer to the rules for information on reclamation requirements

Feel free to call if you have any questions.

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Peter Brinton
Environmental Scientist/Engineer II
Utah Division of Oil, Gas & Mining
Office Phone: 801-538-5258
Days: M - Th, Every Other Friday

Mine Name:

Other Agency File Number:

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION of OIL, GAS and MINING
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5291
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SMALL MINE RECLAMATION CONTRACT

This Reclamation Contract (hereinafter referred to as "Contract") is entered into between _____ the "Operator" and the Utah State Division of Oil, Gas and Mining ("Division").

WHEREAS, Operator desires to conduct mining operations under Notice of Intention (NOI) File No. _____ which the Operator has filed with the Division and has been determined by the Division to be complete (Complete NOI) as required by the Utah Mined Land Reclamation Act, Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended) (hereinafter referred to as "Act") and the regulations adopted pursuant to the Act; and

WHEREAS, Operator is obligated to reclaim the lands affected by the mining operations in accordance with the Act and the regulations, and is obligated to provide a surety in a form and amount approved by the Division or the Board of Oil, Gas and Mining (Board) to assure reclamation of the lands affected by the mining operations.

NOW, THEREFORE, the Division and the Operator agree as follows:

1. Operator agrees to promptly reclaim in accordance with the requirements of the Act and applicable regulations, as they may be amended, all of the lands affected by the mining operations conducted or to be conducted pursuant to a Complete Notice of Intention.
2. The Lands Affected by the mining operations and subject to the requirements of the Act and this Contract include:
 - A. All surface and subsurface areas affected or to be affected by the mining operations including but not limited to private on-site ways, roads, railroads; land excavations; drill sites and workings; refuse banks or spoil piles; evaporation or settling

ponds; stockpiles; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage, and waste discharge areas, structures, and facilities; and

- B. All mining disturbances regardless of discrepancies in the map and legal description, unless explicitly and clearly identified as EXCLUDED on maps, and legal descriptions included in the Complete NOI; provided lands may be excluded only if: (1) they were disturbed by mining operations that ceased prior to July 1, 1977; (2) the lands would be included but have been reclaimed in accordance with a complete notice or reclamation plan; or (3) the lands were disturbed by a prior operation for which there is no surety, no legally responsible entity or person, and which lands are not necessarily or incidentally intended to be affected by the mining operations as described in the Complete NOI.
3. The Operator shall be responsible for reclamation of all such Lands Affected regardless of errors or discrepancies in the maps or legal descriptions provided with the NOI which are intended to assist in determining the location of the mining operations, to describe the areas of disturbance, and to assist estimating the amount of surety required.
4. The Operator prior to commencement of any mining operations and as a precondition to the rights under the Notice of Intention shall provide a surety in a form permitted by the Act and in an amount sufficient to assure that reclamation of the Lands Affected will be completed as required by the Act. The Surety shall remain in full force and effect according to its terms unless modified by the Division in writing. A copy of the agreement providing for the Surety for the reclamation obligations herein is included as **ATTACHMENT A** to this Contract.
5. If the Surety expressly provides for cancellation or termination for non-renewal:
- A. The Operator shall within 60 days following the Division's receipt of notice that the Surety will be terminated or cancelled, provide a replacement Surety sufficient in a form and amount, as required by the Act, to replace the cancelled surety; or
 - B. If the Operator fails to provide an acceptable replacement Surety within 60 days of notice of cancellation or termination, the Division may order the Operator to cease further mining activities, and without further notice proceed to draw upon letters of credit, to withdraw any amounts in certificates of deposit or cash and/or any other forms of surety, and to otherwise take such action as may be necessary to secure the rights of the Division to perfect its claim on the existing surety for the purpose of fully satisfying all of the reclamation

obligations incurred by the Operator prior to the date of termination, and the Division may thereafter require the Operator to begin immediate reclamation of the Lands Affected by the mining operations, and may, if necessary, proceed to take such further actions as may be required for the Division to forfeit the surety for the purpose of reclaiming the Lands Affected.

6. The Operator's liability under this Contract shall continue in full force and effect until the Division finds that the Operator has reclaimed the Lands Affected by mining operations in accordance with the Act and regulations, as amended. If the mining operations are modified or for any other reason vary from those described in the Complete Notice of Intention, the Operator shall immediately advise the Division, and the Notice of Intention shall be revised and the Surety amount shall be adjusted as necessary.
7. If reclamation of a substantial phase or segment of the Lands Affected by the mining operations is completed to the satisfaction of the Division, and the Division finds that such substantial phases or segments are severable from the remainder of the mining area, Operator may request the Division to find that Operator has reclaimed such area. If the Division makes such finding, Operator may make request to the Division for a reduction in the aggregate face amount of the Surety, and the Division may reduce the surety to an amount necessary to complete reclamation of the remaining mining operations as anticipated by the Complete Notice of Intention in accordance with the requirements of the Act and regulations, as amended.
8. Operator may, at any time, submit a request to the Division to substitute surety. The Division may approve such substitution if the substitute surety meets the requirements of the Act and the applicable rules.
9. Operator agrees to pay all legally determined public liability and property damage claims resulting from mining operations, to pay all permit fees, to maintain suitable records, to file all required reports, to permit reasonable inspections, and to fulfill all sundry reporting requirements applicable to the mine as required by the Act and implementing rules.
10. Operator agrees to indemnify and hold harmless the State, Board, and the Division from any claim, demand, liability, cost, charge, suit, or obligation of whatsoever nature arising from the failure of Operator or Operator's agents and employees, or contractors to comply with this Contract.
11. If Operator shall default in the performance of its obligations hereunder, Operator shall be liable for all damages resulting from the breach hereof including all costs, expenses, and reasonable attorney's fees incurred by the Division and/or the Board in the enforcement of this Contract.

12. Any breach of a material provision of this Contract by Operator may, at the discretion of the Division, in addition to other remedies available to it, result in an order by the Division requiring the Operator to cease mining operations, and may thereafter result in an Order, subject to an opportunity for notice and hearing before the Board, withdrawing and revoking the Notice of Intention, and requiring immediate reclamation by the Operator of the Lands Affected or forfeiture of the Surety.
13. In the event of forfeiture of the Surety, Operator shall be liable for any additional costs in excess of the surety amount that is required to comply with this Contract. Upon completion of the reclamation of all of the Lands Affected, any excess monies resulting from forfeiture of the Surety shall be returned to the rightful claimant.
14. The Operator shall notify the Division immediately of any changes in the Operator's registered agent, the Operator's address, form of business, name of business, significant changes in ownership, and other pertinent changes in the information required as part of the Notice of Intention. Notwithstanding this requirement, any changes to the Notice of Intention, and any errors, omissions, or failures to fully or accurately complete or update the information on the Notice of Intention, or the attached maps, shall not affect the validity of this Contract and the rights of the Division to enforce its terms.
15. If requested by the Division, the Operator shall execute addendums to this Contract to add or substitute parties, or to reflect changes in the Operator, Surety, and otherwise modify the Contract to reflect changes in the mining operations as requested by the Division. All modifications must be in writing and signed by the parties, and no verbal agreements, or modifications in any of the terms or conditions shall be enforceable.
16. This Contract shall be governed and construed in accordance with the laws of the State of Utah.

The signatory below represents that the Operator, if not a natural person, is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah, and that he/she is authorized to execute this Contract on behalf of the entity as Operator.

OPERATOR:

Operator Name

By _____
Authorized Officer (Typed or Printed)

Authorized Officer - Position

Officer's Signature

Date

STATE OF _____)
) ss:
COUNTY OF _____)

On the _____ day of _____, 20____, _____
_____ personally appeared before me, who being by me duly sworn did say that he/she is an _____ (owner, officer, director, partner, agent or other (specify)) of the Operator _____ and duly acknowledged that said instrument was signed on behalf of said Operator by authority of its bylaws, a resolution of its board of directors or as may otherwise be required to execute the same with full authority and to be bound hereby.

Notary Public
Residing at _____

My Commission Expires:

DIVISION OF OIL, GAS AND MINING:

By _____
Dana Dean, P.E., Associate Director

_____ Date

STATE OF _____)
COUNTY OF _____) ss:

On the ____ day of _____, 20 __, _____
personally appeared before me, who being duly sworn did say that he, the said
_____ is the Associate Director of the Division of Oil, Gas and
Mining, Department of Natural Resources, State of Utah, and he duly acknowledged to
me that he executed the foregoing document by authority of law on behalf of the State
of Utah.

Notary Public
Residing at: _____

My Commission Expires:

FACT SHEET

Commodity: _____

Mine Name: _____

Permit Number: _____

County: _____

Disturbed Acres: _____

Operator Name: _____

Operator address: _____

Operator telephone: _____

Operator fax: _____

Operator email: _____

Contact: _____

Surety Type: _____

Held by (Bank/BLM): _____

Surety Amount: _____

Surety Account Number: _____

Escalation Year: _____

Tax ID or Social Security (for cash only): _____

Surface owner: _____

Mineral owner: _____

UTU and/or ML number: _____

***DOGM Contact: Penny Berry, State of Utah, Division of Oil Gas and Mining, 801 538 5291 or bondcoordinator@utah.gov

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING**

1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program (R647). The rules and Act are available online at <http://www.rules.utah.gov/publicat/code/r647/r647.htm> and http://le.utah.gov/~code/TITLE40/40_08.htm.

Cultural Resources Survey: To fulfill its obligations under Utah Code Annotated 9-8-404, the Division needs cultural resource (archaeology) information. The amount and type of information required will depend on the mine location, the history of previous disturbance, and other factors. Please contact the Division for further information.

A permit fee of \$150 must accompany this application (Utah Code Ann. §40-8-7(1)(i)) and is due annually.

"Small Mining Operations" are operations which have a disturbed area of ten or fewer surface acres at any time in unincorporated areas, or five acres or fewer in incorporated areas.

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: _____
2.A. Name of Entity Applying for a Permit: _____
Contact (Authorized Officer): _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

Entity is a: () Corporation, () LLC, () Sole Proprietorship (dba), () Individual,
() Partnership (General, or limited), () Other (specify type) _____

Business Entity (not individuals) must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC) If not currently registered, contact www.commerce.utah.gov to renew or apply.

- 2.B. Are you currently registered to do business in the State of Utah? () Yes () No
Business Entity #: _____
Local Business License #: _____ (if required)
Issued by: County: _____ or City: _____

Registered Utah Agent (as identified with the Utah DOC) (if individual leave blank):

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

2.C. Entity's Representative(s) (if different from #2A) authorized and designated to receive notices of violation, cessation orders, and all other notices to be given to the permittee or operator by the Division.

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
Emergency, Weekend, or Holiday Phone: _____
E-mail Address: _____

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
Emergency, Weekend, or Holiday Phone: _____
E-mail Address: _____

3. If Business is a Sole Proprietor (dba) or Individual:

Name of Owner: _____ Title: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Corporation:

Name of Officers: _____ Title: _____
Name: _____ Title: _____
Name: _____ Title: _____
Name: _____ Title: _____
Headquarters Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Limited Liability Company: Member Managed (☐) Manager Managed (☐)

Name of 1st Member/Manager: _____ Title: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

Name of 2nd Member/Manager: _____ Title: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Partnership:

Names of Partners: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Partnership:

Names of Partners: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

5. Ownership of Land Surface:

Private (Fee) () BLM () US Forest Service ()
 State Trust Land/School Sections () State Sovereign Lands ()
 Other (please describe): _____

Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____

6. Ownership of Minerals:

Private (Fee) () BLM () US Forest Service ()
 State Trust Land/School Sections () State Sovereign Lands ()
 Other (please describe): _____

Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____

BLM Claim Number(s): _____
 Utah State Lease Number(s): _____
 BLM/USFS Lease or Project File Number(s): _____

Name of Lessee(s): _____

7. **Have the above surface and mineral owners been notified in writing?** Yes _____ No _____
 If no, why not? _____

8. **Does the Entity have legal right to enter** and conduct mining operations on the land covered by this notice? Yes _____ No _____

What is the pre-mining land use, i.e. cropland, grazing, wildlife habitat? _____

What is the postmining land use? _____

*Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration **prior** to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.*

II. PROJECT LOCATION & MAP (Rule R647-3-105)

1. **Project Location & Map** (legal description):

County(ies): _____
 _____ 1/4, of _____ 1/4, of _____ 1/4, Section: _____ Township: _____ Range: _____
 _____ 1/4, of _____ 1/4, of _____ 1/4, Section: _____ Township: _____ Range: _____
 _____ 1/4, of _____ 1/4, of _____ 1/4, Section: _____ Township: _____ Range: _____
 UTM East: _____ (if known) UTM North: _____ (If known)
 Name of Quad Map for Location: _____

2. **Is the project within an incorporated area?** () Yes () No
If yes, what is the town or city? _____
3. **Location and Operations maps** must be plotted at a scale to accurately identify locational landmarks and operations details. All maps must include a north arrow, scale, appropriate labels, and title box including the mine name, township, range and section.
 - a. The **general location map** must be the scale of a USGS 7.5 minute series map or equivalent (1"=2000') and identify new or existing access roads.
 - b. The **operations map** (1"=200' or other scale as determined necessary by the Division) must be labeled and identify:
 - i. The area to be disturbed;
 - ii. The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned activities; and
 - iii. Any adjacent previous disturbance for which the operator is not responsible.(Contact the Division for a list of consultants and land surveyors for mapping assistance.)
4. The proposed (5 acre or less) disturbed area (including access/haul roads) should be marked ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

III. OPERATION PLAN (Rule R647-3-106)

1. **Type of mining:** Surface () Underground ()
2. **Mineral(s) to be mined:** _____
3. **Amount of material** to be extracted, moved, or proposed to be moved: _____

4. Will any **water, liquid chemicals, reagents, or other solutions** be used, produced or discharged as part of the mining or milling process? Yes () No () If yes, please describe (add extra pages if needed): _____

5. Provide a brief **description of the proposed mining operation**, and onsite processing facilities (add extra pages if necessary). _____

6. () **New Road(s):** Length _____ (ft), Width _____ (ft)
7. () **Improved Road(s):** Describe improvements that need to be made to existing roads to access the site, including the Length _____ (ft) and Width _____ (ft) of new disturbances.

8. Total project surface **acreage to be disturbed:** _____ (acres) PLEASE SPECIFY EXACT ACREAGE (*this will be used to determine surety bond amount – see #VI*).
9. Proposed **startup date** (month, year): _____
10. Proposed **completion**, if known (month, year): _____

IV. OPERATION AND RECLAMATION PRACTICES (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover or within practical limits. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining. Please refer to The Practical Guide to Reclamation in Utah, available at::

https://fs.ogm.utah.gov/pub/MINES/Coal_Related/RecMan/Reclamation_Manual.pdf.

1. *Keep the mining operation in a safe, clean, and environmentally stable condition.*
2. *Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.*
3. *Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.*
4. *Construct berms, fences, or barriers, when needed, above highwalls and excavations.*
5. *Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.*
6. *Remove all waste or debris from stream channels.*
7. *Dispose of any trash, scrap metal, wood, machinery, and buildings.*
8. *Conduct mining activities so as to minimize erosion and control sediment.*
9. *Reclaim all roads that are not part of a permanent transportation system.*
10. *Stockpile topsoil and suitable overburden prior to mining.*
11. *Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.*
12. *Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.*
13. *Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)*
14. *Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.*

V. VARIANCE REQUEST (Rule R647-3-110)

Any variance must be approved writing *in advance* by the Division

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above (see IV. Operation and Reclamation Practices Item # 1-14), should be identified below listing applicable rule number. Give justification for the variance(s) and alternate methods or measures to be utilized to meet the intent of the rule. Written approval from the Division will be given, if the proposed alternative methods to be used are consistent with the Act.

Are variances being requested? Yes (☐) No (☐)

Variance Requested

Item # Applicable Rule

Justification: _____

Alternate methods or measure to be utilized: _____

Attach additional page(s) if more variances are requested.

VI. SURETY (Utah Code Ann. §40-8-7(1)[c])

A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations. No surface disturbance is authorized until the surety is posted and approved in writing. The surety may be provided in the form of a certificate of deposit, a letter of credit, a surety bond, or cash. Please contact the Division for further information about submitting the surety. All mining operations are required to furnish and maintain reclamation surety to guarantee that the land affected is reclaimed (Utah Code Ann. §40-8-7(1)[c]).

The reclamation surety amount is based on the nature, extent and duration of operations. The amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions. Reclamation surety for small mines is reviewed every three (3) or five (5) years and adjusted as necessary for inflation/deflation based upon acceptable Costs Index. **Contact the Division for the dollar amount required for a three (3) or five (5) year period for this project.**

VII. SIGNATURE REQUIREMENT

CERTIFICATION

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.
- c. **This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; **or** (4.) the member or manager if applicant is a limited liability company.

Signature: _____ Date: _____

Name (typed or printed): _____

Title/Position (if applicable): _____